

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.	8:03-cr-54-T-17TBM
	18 U.S.C. § 371
	18 U.S.C. § 1014
	18 U.S.C. § 1028(a)(7)
	18 U.S.C. § 1029(a)(2), (3)
	18 U.S.C. § 1341
	18 U.S.C. § 1344
	18 U.S.C. § 1956
	18 U.S.C. § 1957
Forfeiture	18 U.S.C. § 981(a)(1)(C)
Forfeiture	18 U.S.C. § 2461
Forfeiture	18 U.S.C. § 982(a)(1)
Forfeiture	18 U.S.C. § 982(a)(2)(A)
Forfeiture	18 U.S.C. § 982(a)(2)(B)
Forfeiture	18 U.S.C. § 1028(b)(5)
Forfeiture	18 U.S.C. § 1029(c)(1)(C)

**CARL H. ALPERT,
JENNIFER A. ALPERT,
CHRISTOPHER L. ALPERT,
LESLIE B. BARNES,
LAWRENCE S. SMITH,
a/k/a Edward J. Oates,
MICHAEL A. BUKY, and
JASON W. RESIDENCE**

INDICTMENT

The Grand Jury charges:

COUNT ONE

**(Conspiracy to Commit Identity Theft,
Credit Card Fraud, Bank Fraud and Mail Fraud)**

At times material to this Indictment:

A. Introduction

1. Carl H. Alpert and Jennifer A. Alpert were husband and wife. They resided at 555 Starstone Drive, Lake Mary, Florida, and later at 260 Bald Eagle Run, Lake Mary, Florida. Carl H. Alpert and Jennifer A. Alpert were principals in a business known as Foodudes, Inc., a Florida Corporation, doing business as The Sub Place, 3895 Lake Emma Road, Lake Mary, Florida.

2. Christopher L. Alpert was Carl H. Alpert's son, and at times resided with Jason W. Residence in Nashville, Tennessee.

3. Leslie B. Barnes resided in Seminole and Orange counties, Florida, and was employed as manager of the SouthTrust Bank in-store branch at 3765 Lake Emma Ave., Lake Mary, Florida, an FDIC-insured financial institution. Barnes was an associate of Carl H. and Jennifer A. Alpert, and also of Lawrence S. Smith, with whom she at times resided.

4. Lawrence S. Smith, who sometimes used the alias Edward J. Oates, resided in Seminole and Orange counties, including at 8 S. Osceola, Orlando, Florida, and was an associate of Carl H. Alpert, Jennifer Alpert and Leslie B. Barnes.

5. Michael A. Buky was an associate of Carl H. Alpert, Jennifer A. Alpert and Lawrence S. Smith and at times was employed at The Sub Place.

6. Jason W. Residence was Jennifer A. Alpert's brother and at times resided with Christopher L. Alpert in Nashville, Tennessee.

7. The following were financial institutions whose deposits were insured by the Federal Deposit Insurance Corporation:

American Express
Bank of America, N.A.
BMW Bank of North America
Capital One
Chase Manhattan Bank, N.A.
Citibank
Columbus Bank and Trust Company
Direct Merchants Credit Card Bank, N.A.
Discover Bank
First National Bank of Omaha
First Union - Wachovia
First USA Bank, N.A.
Fleet Bank, N.A.

GMAC Bank
Household Bank, N.A.
Juniper Bank
MBNA America Bank, N.A.
National City Bank
NetBank
Retailers National Bank
SouthTrust Bank
US Bank
Zions First National Bank

B. THE CONSPIRACY

Between approximately April 1999, through and including the date of this indictment, within the Middle District of Florida, and elsewhere,

**CARL H. ALPERT,
JENNIFER A. ALPERT,
CHRISTOPHER L. ALPERT,
LESLIE B. BARNES,
LAWRENCE S. SMITH, a/k/a
Edward J. Oates,
MICHAEL A. BUKY, and
JASON W. RESIDENCE,**

defendants herein, did knowingly and willfully combine, conspire, confederate, and agree, with each other and other persons, to commit offenses against the United States, namely:

a) identity theft, to knowingly transfer and use, without lawful authority, a means of identification of another person, with the intent to commit any unlawful activity that constitutes a violation of federal law, and by such conduct obtain anything of value aggregating \$1,000 or more during any one year period, in violation of Title 18, United States Code, Section 1028(a)(7);

b) bank fraud, to knowingly execute and attempt to execute a scheme and artifice to defraud and to obtain money, funds, credits, and other property owned by and under the custody and control of federally insured financial institutions by false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

c) mail fraud, to knowingly devise a scheme to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, affecting a financial institution, and to use the mails and interstate carriers in execution thereof, in violation of Title 18, United States Code, Section 1341; and

d) credit card fraud, that is: (1) to knowingly and with intent to defraud traffic in and use one or more unauthorized access devices during any one year period and by such conduct obtain anything of value aggregating \$1,000 or more during that period, in violation of Title 18, United States Code, Section 1029(a)(2); and (2) to knowingly and with intent to defraud possess fifteen or more counterfeit or unauthorized access devices, in violation of Title 18, United States Code, Section 1029(a)(3).

C. MANNER AND MEANS

____ 1. It was part of the conspiracy that conspirators would and did acquire personal identifying and other information, including from United States District Court (PACER) records, relating to the incarceration and credit status of imprisoned individuals and others.

2. It was further part of the conspiracy that conspirators would and did use the acquired personal identifying information and other information to take control over existing credit card and other banking accounts in the victims' names without authority

to do so, and to establish new accounts in the names of those individuals, at federally insured financial institutions.

3. It was further part of the conspiracy that conspirators would and did use residential, business, and fictitious addresses, and would and did lease apartments within the Middle District of Florida and elsewhere, for use as billing addresses associated with fraudulently established credit card and other banking accounts.

4. It was further part of the conspiracy that conspirators would and did obtain funds from accounts established in victims' names, by, among other means, fraudulently using credit card and line of credit convenience checks, conducting credit card cash advance transactions, and engaging in credit card point of sale transactions and fraudulent point of sale transactions.

5. It was further part of the conspiracy that the conspirators would and did defraud numerous individuals, and also federally insured financial institutions, of money and property, of in excess of \$1,700,000, including the following individuals:

Craig R. Nunn
Mark A. Levine
Scott M. Colton
Barry M. Kottler
Mark Roseman
John B. Hamilton
Dennis E. McMahan
Robert W. Rachlin
James A. Malkus
Terrance S. Wilson
Michael D. Andreas
William A. Sybers
Robert P. Krass
James F. Hurst
Paul Arguin
Robert J. Hart
Gene D. Adams

Charles E. Cowart
Edward J. Oates
Allan N. Jacobowitz
Robert R. Hibbs
Steven W. Lutzker
Frederick A. Mendoza
James H. Rhodes
Pedro L. Lugones
Carol C. Martino
Nicholas Bredimus
Roger H. Ehmen
David S. Logan
Myer S. Nevitt
Allen W. Filsinger
Brian K. Rowland
Dennis J. Kelly
Richard Schmidt
Wilton J. Cormier

D. OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, the following overt acts, among others, were committed within the Middle District of Florida, and elsewhere.

I. Fraudulent Craig R. Nunn SouthTrust Bank Account Transactions

(1) Between approximately June 16, 1999 and August 18, 1999, conspirator(s) fraudulently established eleven separate checking accounts, including business checking accounts, in the name of Craig R. Nunn at the SouthTrust Bank in-store branch located in the Albertson's grocery store, 3765 Lake Emma Road, Lake Mary, Florida.

(2) Between on or about June and August 1999, conspirators deposited seven credit card convenience checks drawn against fraudulently established Craig Nunn credit card accounts, which totaled \$37,000 into two fraudulently established Craig Nunn SouthTrust checking accounts.

(3) During approximately July and August 1999, conspirators deposited funds totaling \$56,500, directly and through a series of transfers, from SouthTrust Bank accounts in the name of defendant CARL H. ALPERT, into fraudulently established SouthTrust checking accounts, in the name of victim Craig Nunn.

(4) Between on or about July 1 and July 16, 1999, conspirators used proceeds from four of the Craig Nunn credit card convenience checks referred to in Overt Act 2, above, through a series of financial transactions, toward the purchase by defendants CARL H. ALPERT and JENNIFER A. ALPERT, of a residence at 260 Bald Eagle Run, Lake Mary, Florida.

(5) On or about August 27, 1999, defendant LAWRENCE S. SMITH, using a Arizona driver's license in the name of Edward J. Oates, which bore SMITH'S photo, attempted to pass a check drawn on fraudulently established SouthTrust checking account number 93403183, in the name of Craig R. Nunn, Hardware Unlimited II.

(6) On or about August 27, 1999, defendant LAWRENCE S. SMITH possessed a counterfeit Massachusetts driver's license in the name of Sheldon S. Benson, which bore defendant Smith's photo.

(7) On or about August 27, 1999, defendant LAWRENCE S. SMITH possessed checkbooks and checks of three separate fraudulently established SouthTrust Bank checking accounts, numbers 93403194, 93403205, and 93403183, in the name of victim Craig R. Nunn.

II. Fraudulent SouthTrust Cash Advance Transactions

(8) The acts alleged in Counts Two through Twelve and Twenty-Three through Thirty are incorporated herein.

III. Fraudulent Jack Bankson SouthTrust Bank Account Transactions

(9) On or about December 1, 2000, defendant CARL H. ALPERT caused Jack Bankson to open a SouthTrust checking account (account #97949945) at a Lake Mary branch of SouthTrust Bank.

(10) On or about December 4, 2000, a conspirator caused to be deposited into Jack Bankson's SouthTrust checking account, a wire transfer in the amount of \$18,000, drawn on an unauthorized CompuBank checking account established in the name of Michael Andreas.

(11) On or about December 5, 2000, a conspirator caused the withdrawal of \$16,850 from the Bankson account.

(12) On or about December 5, 2000, a conspirator caused Official Check #10628378, in the amount of \$7,500, drawn from Bankson's account to be deposited into defendant JENNIFER A. ALPERT'S First Union National Bank account #1010037745725.

IV. Fraudulent Dennis E. McMahan SouthTrust Bank Account Transactions

(13) On or about May 8, 2000, defendant LESLIE B. BARNES fraudulently opened SouthTrust Bank checking account #37719720 and SouthTrust Bank Visa account #4606312007091449 in the name of Dennis E. McMahan, for defendant CARL H. ALPERT.

(14) On or about May 8, 2000, defendant CARL H. ALPERT provided an address of 1110 Windridge, Sanford, Florida in connection with the fraudulently established Dennis E. McMahan account.

(15) On or about May 11, 2000, defendant CARL H. ALPERT deposited the proceeds of credit card convenience check #0102, drawn on the fraudulently established Bank of America MasterCard account #5491050001623008, in the name of Robert J. Hart, into the fraudulently established McMahan SouthTrust account.

(16) On or about May 15, 2000, defendant CARL H. ALPERT fraudulently withdrew part of the proceeds of Robert J. Hart convenience check #0102 from the McMahan SouthTrust account, through a debit memo transaction in the amount of \$1,153.52, which was conducted by defendant LESLIE B. BARNES.

(17) On or about May 17, 2000, defendant LESLIE B. BARNES approved defendant CARL H. ALPERT'S use of the Dennis E. McMahan SouthTrust Visa account to conduct a fraudulent credit card cash advance transaction in the amount of \$2,500.

(18) On or about May 23, 2000, defendant MICHAEL A. BUKY presented and cashed a check at the SouthTrust Lake Mary in-store branch in the amount of \$1,000 drawn on the fraudulently established Dennis E. McMahan SouthTrust account, which was approved by the defendant LESLIE B. BARNES.

V. Fraudulent Terrance S. Wilson SouthTrust Bank Transactions

(19) On or about May 17, 2000, defendant LESLIE B. BARNES fraudulently opened a personal checking account at SouthTrust Bank (account #57545163) and a MasterCard credit card account number 5300813007019906, both in the name of Terrance S. Wilson.

(20) On or about June 6, 2000, defendant LESLIE B. BARNES approved a fraudulent credit card cash advance transaction for \$3,000, conducted against the Terrance S. Wilson SouthTrust Bank MasterCard account #5300813007019906.

VI. Fraudulent Transactions Relating to Defendant Lawrence S. Smith's SouthTrust Account #10607242

(21) On or about April 17, 2000, a conspirator deposited a fraudulently obtained Robert P. Krass First USA Bank convenience check, #2512, in the amount of \$3,400.00, into defendant LAWRENCE S. SMITH'S SouthTrust Bank account #10607242.

(22) On or about May 18, 2000, a conspirator deposited a fraudulently obtained Barry M. Kottler MBNA America convenience check, #1185, in the amount of \$1,500.00 (along with \$6,000 cash), into defendant LAWRENCE S. SMITH'S SouthTrust Bank account #10607242.

(23) On or about May 18, 2000, a conspirator drew three (counter) checks, totaling \$7,400.00, against defendant LAWRENCE S. SMITH'S SouthTrust Bank account.

(24) On or about June 6, 2000, a conspirator deposited a fraudulently obtained Robert J. Hart Bank of America convenience check, #103, in the amount of \$5,000, into defendant LAWRENCE S. SMITH'S SouthTrust Bank account.

(25) On or about June 6, 2000, a conspirator drew a \$4,950.00 check payable to cash, against defendant LAWRENCE S. SMITH'S SouthTrust Bank account.

(26) On or about June 6, 2000, a conspirator deposited a \$4,950.00 check payable to cash, which had been drawn on defendant LAWRENCE S. SMITH'S SouthTrust personal checking account, into defendants' CARL and JENNIFER ALPERT'S SouthTrust personal checking account #10609032.

VII. Possession of Unauthorized Access Devices, Means of Identification, and Related Records

On or about the dates listed below, conspirators possessed unauthorized access devices, records and other information relating thereto described below:

(27) October 25, 2000:

a) Fleet Titanium MasterCard credit card, #5491000927416714, in the name of Dr. Dana A. Wilson.

b) Fleet Titanium MasterCard credit card, #5491000927416714, in the name of Terrance S. Wilson.

c) Huntington Platinum MasterCard credit card, #5396180100004259, in the name of Mark A. Levine.

d) American Express credit card, #371521317741003, in the name of Mark A. Levine.

e) American Express Corporate Optima Platinum credit card, #371541211261007, in the name of Mark A. Levine Heathrow OB-GYN.

f) American Express Membership Banking bank card, #577192100829397, in the name of Mark A. Levine.

g) Direct Merchant's Bank Webmiles Platinum MasterCard credit card, #5462832014043422, in the name of Terrance S. Wilson.

h) Providian National Bank Aria Visa credit card, #4185511001366272, in the name of Terrance S. Wilson.

i) Columbus Bank & Trust Company Aspire Visa credit card, in the name of Terrance S. Wilson, #4791070107399279.

j) Fleet MasterCard billing statement for account #5440590174700655, in the name of Robert P. Krass.

k) Portion of American Express Membership Banking account statement, account #1000827723, in the name of Mark A. Levine.

l) Citibank MasterCard billing payment stub for account #5466160136535968, in the name of Dennis Earl McMahan.

m) Wingspan Bank check books in the name of Barry M. Kottler, 260 Bald Eagle Run, Lake Mary, Florida.

n) American Express Centurion Bank Membership Banking deposit slip in the name of Mark A. Levine, 1110 Windridge Cir., Sanford, Florida, account #1000827723.

(28) **March 12, 2002:** an Equifax credit profile listing the address of Brush Creek Road, Oklahoma City, Oklahoma, the street address of John B. Hamilton.

(29) **March 15, 2002:**

a) IRS Form 1040 in the name of William A. Sybers, Sr., dated January 17, 2002.

b) Fleet Credit card convenience check letter and three stubs in the name of William A. Sybers.

c) Credit card statement from fraudulent MBNA Mastercard account #5490992869000335, in the name John B. Hamilton.

(30) **March 26, 2002:**

a) Fleet Fusion Visa credit card, #4050860101027868, in the name of Robert Rachlin.

b) Returned Fleet convenience check #6186, in the name of victim William A. Sybers, 1321 Arbors Vista LP, Lake Mary, Florida, attached to SunTrust Bank notice of hold-return item statement dated March 15, 2002, attached to a SouthTrust Bank notice of hold and addressed to Jennifer R. Alpert.

c) SunTrust Bank notice of hold-returned item statement addressed to Jennifer R. Alpert, dated 3/14/02, pertaining to John B. Hamilton, MBNA America convenience check #503.

d) Chase Bankard letter addressed to victim James F. Hurst, 260 Bald Eagle Run, Lake Mary, Florida, for a fraudulent credit card account ending in 2055.

e) U.S. Postal Service change of address forms in the name of James F. Hurst.

f) Fleet credit card letter to Jimi F. Hurst regarding credit card account #5491000143332844.

g) Bankard Services letter addressed to James F. Hurst, regarding account #4264298205026217.

h) Capitol One Mastercard application addressed to James Hurst, 2600 Bald Eagles Run, Lake Mary, Florida.

i) Juniper Bank statement in the name of James F. Hurst, checking account #400000086501, and overdraft protection account #600000086516.

j) MBNA statement in the name of James F. Hurst, account #74984823012311.

k) Sears Premier Card statement in the name of James F. Hurst, II, account #0653964104554.

l) Discover Card application in the name of Jimi F. Hurst.

m) SunTrust 2001 year end summary report for account number ending 6217 in the name of James F. Hurst.

n) GM card statement for account #5466410002494703, in the name of James F. Hurst, Jr.

o) GM Card letter addressed to James F. Hurst Jr. for account #5466410002494703.

p) MBNA Platinum Plus 2001 year end summary of changes for account number ending in 5186, in the name of Jimi Hurst.

q) MBNA letter to James F. Hurst, Jr. for account #74984823012311.

r) SunTrust statement for account #4264298205026217, in the name of James F. Hurst.

s) MBNA Platinum Plus letter address to Jimi Hurst regarding account number 5490994520145186.

t) Individualized Bankcard Services Letter addressed to James F. Hurst for account #4264298205026217.

u) MBNA Platinum Plus statement for account #5490994520145186, in the name of Jimi Hurst.

v) Fleet statement for account #5491000143332844, in the name of Jimi F. Hurst.

w) Fleet letter addressed to Jimi F. Hurst regarding account #5491000143332844.

x) Capitol One statement for account #5291071550636078, in the name of James F. Hurst.

y) Letters from Silver and Associates regarding collection of Household Bank account #5466410002494703, in the name of James F. Hurst, Jr.

z) Capitol One auto Finance letter addressed to James J. Hurst.

aa) MBNA statement for account #74984823012311 in the name of James F. Hurst Jr.

bb) First National Bank of Omaha letter addressed to James F. Hurst, regarding account #4418409155329866.

cc) Juniper Bank statement addressed to James F. Hurst, Jr. for account #5140210001203210.

dd) Capitol One Mastercard application in the name of James F. Hurst.

ee) First National Bank of Omaha statement in the name of James F. Hurst, for account #4418409155329866.

ff) Fleet Credit Card Services letter addressed to Jimi F. Hurst regarding account #5491000143332844.

gg) First National Bank of Omaha letter addressed to James F. Hurst regarding account # ending in 9866.

hh) Juniper Bank letters addressed to James F. Hurst, Jr. for account #5140210001203210.

ii) Bank of America statement for account #4427103000952423, in the name of James F. Hurst.

jj) BMW Bank of North America statement for account #4636676005901138, in the name of James F. Hurst, Jr.

kk) Fleet Credit Card letter to Jimi Hurst for account #5491000143332844.

ll) BMW Bank of North America letter addressed to James F. Hurst, Jr.

mm) NCO Financial Systems, Inc. letter addressed to James F. Hurst, regarding Capitol One account #5291071550636078.

(31) **May 17, 2002:**

a) MBNA America MasterCard credit card #5401265787000374, in the name of Paul Arguin.

b) a copy of the passport in the name of identity theft victim Carol Martino.

c) Southern Bell Telephone bill in the name of Carol Martino.

(32) **November 15, 2002:** a customer copy of a point of sale charge slip from merchant Tommy's Island for Discover account #6011006910713644, in the name of Dr. Mark M. Martino, an authorized user on the fraudulent Carol C. Martino Discover credit card account.

(33) **December 3, 2002:**

a) National City Platinum Visa credit card, #4311 9661 2800 3207, in the name of Alan W. Filsinger

b) U.S. Bank Visa credit card, #4217 1499 0110 6489, in the name of Brian Rowland

- c) GMAC Bank Visa credit card, #4130 0200 0000 3296, in the name of Steven W. Lutzker
- d) Discover Platinum Card credit card, #6011 0042 1851 9904, in the name of Rick Schmidt
- e) Chase Platinum Mastercard credit card, #5120 6408 1001 6144, in the name of David S. Logan
- f) Delta Skymiles American Express credit card, #3725 343367 21004, in the name of Al Filsinger
- g) National City Platinum Visa credit card, #4311 9662 9800 7830, in the name of Pedro L. Lugones, Jr.
- h) Fleet Miles Edge Visa credit card, #4153 8602 3141 7217, in the name of Alan W. Filsinger
- i) U.S. Banks Visa credit card, #4190 0877 5142 0281, in the name of David S. Logan
- j) Xaman EK credit card receipt, dated September 5, 2002, for Visa credit card account, #4636676005064275, in the name of Charles E. Cowart
- k) A "Sub Place" receipt for a purchase totaling \$589.96, on Visa account #4081610130006661, in the name of Steven W. Lutzker
- l) A "Sub Place" receipt for a purchase totaling \$428.77, on Mastercard Account #5466410005867145, in the name of Pedro L. Lugones Jr.
- m) An American Express convenience check #8976, drawn on the account of W.J. Cormier
- n) GM Card delinquent letter addressed to Charles E. Cowart, Jr. for account #5466410004449473
- o) Chase Bancard delinquent letter addressed to Nicholas Bredimus for account #5369946020262570
- p) Individualized Bank Card condolence letter to the estate of Charles E. Cowart regarding account #4264298204557386
- q) American Express past due notice addressed to Charles E. Cowart, Jr. for account #s 372823403925006 and 373752553037008

r) U.S. Bank Visa statement addressed to Charles E. Cowart for account #4190030330812578

s) Target credit card statement addressed to Charles E. Cowart, Jr. for account #4352378340116546

t) Capital One Mastercard statement for John B. Hamilton, account #5291492255608446, showing fraud adjustments on account

u) BMW Bank of North America statement for Charles E. Cowart for account #4636676005064275

v) GM card statement for John B. Hamilton for account #5466410004619729

w) Fraudulently obtained AT&T Universal Mastercard, account #5491130315737270 in the name of David S. Logan, which is enclosed in the forwarding letter and envelope

x) National City credit card summary statement in the name of David S. Logan, account #4311966128002753

y) U.S. Bank payment stub in the name of Pedro L. Lugones, account #4190040332992427

z) GMAC bank statement in the name of Steven W. Lutzker, account #60110040166

aa) GMAC bank statement in the name of Steven W. Lutzker, account #1010040150

bb) U.S. Bank Visa card statement dated November 14, 2002, in the name of David S. Logan, account #4190087751420281

cc) National City Visa card statement, dated 11/11/02, in the name of Pedro L. Lugones, Jr., account #4311966298007830

dd) National City Bank Visa letter addressed to David S. Logan, account #4311966128002753

ee) Fleet Bank credit card statement addressed to Pedro L. Lugones, Jr., account #4050860513003168

ff) Sound Advice receipt dated July 27, 2002, totaling \$554.20, for Visa account #4037698069013910, in the name of James H. Rhodes

gg) GMAC Bank check #1029, drawn on the account of Steven W. Lutzker (no date), in the amount of \$250, payable to cash

hh) MBNA Bank convenience checkbook in the name of David S. Logan, check #s 101-110

ii) A credit card charge receipt from The Sub Place for Visa account #4190030330916932, in the name Pedro L. Lugones;

jj) Wachovia Bank checkbook and register for Alan Filsinger, account #1010028267102

kk) Citibank letter with four convenience checks for Rick Schmidt, account #0717134809044

ll) American Express blue convenience check #8063, in the name of Rick Schmidt

mm) Chase Bank letter and two convenience checks (#8411 and 8412) in the name of Rick Schmidt

nn) GM Platinum Mastercard credit card, #5466410004484280, in the name of Paul R. Arguin

oo) American Express credit card, #372377994611004, in the name of Paul Arguin

pp) Fleet Platinum Visa credit card, #4153860218411035, in the name of Robert R. Hibbs

qq) American Express statement for account #372377994611004, in the name of Paul Arguin.

rr) GM Card payment stub for account #5466410004484280, in the name of Paul R. Arguin.

ss) National City Bank Visa card, pin # for account ending in 7830, in the name of Pedro L. Lugones, Jr.

tt) Discover Card pin # notification and three convenience checks in the name of Robert R. Hibbs

uu) Letter from Chase Manhattan Bank regarding Mastercard account #5466511750002539 and one Chase Bank convenience check, in the name of Robert R. Hibbs

vv) American Express letter with three convenience checks in the name of Paul Arguin

ww) Fraudulently obtained genuine MBNA checks drawn on the account of Roger H. Ehmen, account #482304456, check #s 101-110

xx) Bank of America statement for account #4427103004500103, in the name of Robert Hibbs

yy) Fleet payment stub for account #4153860218411035, in the name of Robert R. Hibbs

zz) American Express payment stub for account #372377994612002, in the name of Paul Arguin

aaa) First Union National Bank personal savings statement for account #3459140016719, in the name of Alan W. Filsinger, dated 10/11/02 through 11/8/02

bbb) Transparent binder containing the described point of sale receipts from The Sub Place, charged against fraudulent credit card accounts:

ACCOUNT NAME	CARD TYPE	DATE	ACCOUNT NUMBER	TOTAL \$
James H. Rhodes	MC	10/02/02	5491130327602207	785.44
Nicholas Bredimus	Visa	08/30/02	4153860218410482	342.11
Pedro L. Lugones	MC	10/01/02	5466410005867145	428.77
Steven W. Lutzker	Visa	10/01/02	4081610130006661	589.96
Steven W. Lutzker	Visa	10/01/02	4311966128002449	594.55
Robert R. Hibbs	Visa	07/24/02	4153860218411035	178.55
James Rhodes	Visa	09/11/02	4427103004263264	245.66
Wilton J. Cormier	MC	06/07/02	5491130307932202	298.55
Dr. Marc M. Martino	Discover	09/19/02	6011006910713644	195.44
Robert Hibbs	Visa	09/19/02	4427103004500103	312.22
Charles E. Cowart	Visa	06/10/02	4190030330812578	478.55
John B. Hamilton	Visa	06/10/02	4037692301079409	578.88
Pedro L. Lugones, Jr.	Visa	10/02/02	4050860513003168	1422.36

ACCOUNT NAME	CARD TYPE	DATE	ACCOUNT NUMBER	TOTAL \$
Paul R. Arguin	MC	09/21/02	5466410004484280	12.95
Wilton Cormier	Visa	07/05/02	4427103004106620	63.55
James Rhodes	Visa	10/02/02	4050860511520817	329.85
John B. Hamilton	Visa	09/24/02	4153860218415770	1954.22
Charles E. Cowart	MC	06/17/02	5466410004449473	186.55
Wilton Cormier	Visa	06/11/02	4352378339210581	349.55
Charles E. Cowart	Visa	06/17/02	4190030330812578	99.65
W. J. Cormier	AMEX	06/17/02	372529598121000	248.77
Wilton J. Cormier	Visa	06/17/02	4190030330712570	146.63

ccc) Nine (9) MBNA America convenience checks #8160 - #8168, drawn on the fraudulently established line-of-credit account, #74984823037054, in the name of James H. Rhodes.

ddd) Financial statement, dated 06/30/02, for the Morgan Stanley retirement account #632802892056, in the name of Charles E. Cowart.

eee) Experian credit report, dated 06/25/02, in the name of John B. Hamilton. Envelope post-dated 07/02/02, with the return address of P.O. Box 9595, Allen, TX.

fff) Tire Centers invoice, dated 09/17/02, in the name of Chris Alpert for tire purchase, attached to a credit card point-of-sale charge slip totaling \$191.46, for Visa account ending in 0482. (The Tire Centers purchase was conducted with Fleet Visa account #4153 8602 1841 0482, in the name of Nicholas Bredimus.)

ggg) Chase MasterCard past due notice, dated 10/16/02, for account #5369946020262570, in the name of Nicholas Bredimus. Envelope post-dated 10/16/02, with return address of Chase Bank Card Services, Inc, P.O. Box 52188, Phoenix, AZ.

hhh) Chase-Shell Platinum MasterCard statement, dated 10/21/02, for account #5369946020262570, in the name of Nicholas Bredimus. Envelope not post-dated with return address of P.O. Box 52045, Phoenix, AZ.

iii) Chase past due notice, dated 11/11/02, for account #5369946020262570, in the name of Nicholas Bredimus. Envelope not post-dated with return address of P.O. Box 52188, Phoenix, AZ.

jjj) Elan Financial Services collection notice, dated 10/16/02, for account #4037698069017101, in the name of James H. Rhodes. Envelope post-dated 10/18/02, with return address of P.O. Box 2066, Milwaukee, WI.

kkk) GM Card notice, dated 10/16/02, for account #5466410004679624, in the name of Carol C. Martino. Envelope not post-dated with return address of Credit Card Services, P.O. Box 98715, Las Vegas, NV.

lll) FedEx USA Airbill receipt dated October 31, 2002, addressed to Carl Alpert, 260 Bald Eagle Run, Lake Mary, FL, from C Alpert, 444 Elmgton Ave., #301, Nashville, TN.

mmm) US Bank letter addressed to Nicholas Bredimus, contained inside a FedEx USA Airbill envelope (Tracking #833999452778), dated 07/03/02, addressed to Chris Alpert, 444 Elmgton Ave., Apt. 602, Nashville, TN, from C Alpert, 260 Bald Eagle Run, Lake Mary, FL.

nnn) Land Rover Orlando invoice, dated 02/27/01, in the name of Carl Alpert for service on 1999 Range Rover, attached to a credit card point-of-sale charge slip totaling \$191.46, for Fleet Visa account #5491000143332844, in the name of Jimi F. Hurst.

ooo) BMW Bank statement, dated 09/24/02, for account #4636676005064275, in the name of Charles E. Cowart. Envelope not post-dated with return address of BMW Bank of North America, P.O. Box 3038, Evansville, IN.

ppp) Retailers National Bank past due notice, dated 10/01/02, for account #4352378340116546, in the name of Charles E. Cowart, Jr. Envelope post-dated 10/04/02, with return address Retailers National Bank, 3901 West 53rd Street, Sioux Falls, SD.

qqq) American Express statement, dated 09/29/02, for account #372823403925006, in the name of Charles E. Cowart, Jr. Envelope not post-dated with return address of American express, P.O. Box 297812, Ft. Lauderdale, FL.

rrr) GM Card statement, dated 10/02/02, for account #5466410004449473, in the name of Charles E. Cowart, Jr. Envelope not post-dated with return address of The GM Card, P.O. Box 80082, Salinas, CA.

sss) U.S. Bank statement, dated 09/26/02, for account #4037692301079409, in the name of John B. Hamilton. Envelope post-dated 09/30/02, with return address of P.O. Box 6352, Fargo, ND.

ttt) American Express statement, dated 09/26/02, for account #372378751931007, in the name of John B. Hamilton. Envelope not post-dated with return address of American express, P.O. Box 297812, Ft. Lauderdale, FL.

uuu) Elan Financial Services past due notice, dated 10/02/02, for account #4037692301079409, in the name of John B. Hamilton. Envelope post-dated 10/05/02, with return address of P.O. Box 2066, Milwaukee, WI.

vvv) SunTrust Bank statement, dated 09/25/02, for Visa account #4264298204557386, in the name of Charles E. Cowart. Envelope post-dated 09/28/02, with return address of P.O. Box 15453, Wilmington, DE.

www) American Express statement, dated 10/03/02, for account #373752553037008, in the name of Charles E. Cowart, Jr. Envelope not post-dated with return address of American express, P.O. Box 297812, Ft. Lauderdale, FL.

xxx) U.S. Bank statement, dated 09/25/02, for account #4190030330812578, in the name of Charles E. Cowart. Envelope post-dated 09/26/02, with return address of US Bank, P.O. Box 6354, Fargo, ND.

yyy) Capital One MasterCard statement, dated 08/31/02, for account #5291492196060046, in the name of John B. Hamilton. Envelope post-marked Cheyenne, WY – no date.

zzz) Chase-Shell MasterCard statement, dated 11/20/02, for account #5369946020262570, in the name of Nicholas Bredimus. Envelope not post-dated, with return address of P.O. Box 52054, Phoenix, AZ.

aaaa) Midwest Express Airlines Frequent Flyer Program letter and Frequent Flyer card, #800466166, in the name of Robert P. Rachlin, #7-205, 1321 Arbor Vista Loop, Lake Mary, FL. Envelope post-dated Feb. 2002.

bbbb) GM Card past due notice, dated 07/15/02, for account #5466410004619729, in the name of John B. Hamilton. Envelope not post-dated, with return address of Credit Card Services, P.O. Box 98715, Las Vegas, NV.

cccc) American Express Centurion Bank checks (#101 - #135) for account #01011002801510, in the name of John B. Hamilton.

dddd) UPS Second Day Air package containing Two (2) boxes of American Express Centurion Bank check #1001- #1150 (Box #1) and check #1151-#1300 (Box #2), for account #01011002801510, in the name of John B. Hamilton.

eeee) Fleet credit increase notice, dated 07/11/02, for account #4153860218410482, in the name of Nicholas Bredimus. Envelope post-dated 07/12/02, with return address of P.O. Box 1586, Horsham, PA.

ffff) Equifax credit report, dated 07/17/02, in the name of James Harold Rhodes. Envelope post-dated 07/18/02, with return address of 2206 21st Ave. S., Nashville, TN.

gggg) Experian credit report, dated 05/23/02, in the name of Carol C. Martino.

hhhh) Experian credit report, dated 05/28/02, in the name of Nicholas Bredimus.

iiii) Portion of Morgan Stanley financial statement, dated 03/31/02, for account #632221035056, in the name of Charles E. Cowart and Cathy Ann Cowart.

jjjj) Trans Union credit report, dated 05/21/02, in the name of Carol C. Martino.

kkkk) Trans Union credit report, dated 06/06/02, in the name of Nicholas Bredimus.

llll) Trans Union credit report, dated 05/22/02, in the name of Charles E. Cowart.

mmmm) Trans Union credit report, dated 06/05/02, in the name of James H. Rhodes.

(34) December 10, 2002:

a) Trans Union credit report dated 11/29/02, in the name of Brian Rowland.

b) Credit card activation notice for Fleet Visa account #4153860231418033, in the name of Brian Rowland.

c) Credit card activation notice for National City Visa account #4311966128003397, in the name of Myer S. Nevitt.

(35) December 13, 2002:

a) First USA Bank convenience check #2340, drawn on account #3703019756723, in the name of Brian K. Rowland.

b) Partially shredded GMAC Bank statement for deposit account #1010040150, and personal line of credit account #6110040166, in the name of Steven W. Lutzker.

c) Partially shredded Experian credit report in the name of Myer Nevitt.

d) First USA Bank Visa credit card, account #4417123019756872, in the name of Brian K. Rowland.

e) Target point-of-sale receipt, dated 12/12/02, for purchase conducted against the First USA Bank Visa account #4417123019756872, in the name of Brian K. Rowland.

VIII. Deposits of Fraudulently Acquired Credit Card Convenience Checks into Defendant Jennifer A. Alpert's SunTrust Bank account #0039004239156

On or about the dates listed below, conspirators deposited fraudulently obtained credit card convenience checks into a SouthTrust Bank checking account in the name of and belonging to defendant JENNIFER A. ALPERT, account #0039004239156:

OVERT ACT	DATE OF DEPOSIT	CHECK #	ISSUING BANK - ACCOUNT NAME	AMOUNT
(36)	05/30/01	509	Juniper Bank - Gene D. Adams	\$1,000.00
(37)	06/01/01	518	Juniper Bank - Gene D. Adams	\$1,250.00
(38)	06/01/01	3287	Direct Merchants - Gene D. Adams	\$1,250.00
(39)	06/04/01	103	American Express - James F. Hurst	\$2,500.00
(40)	06/20/01	102	American Express - Gene D. Adams	\$2,900.00
(41)	06/28/01	4768	Chase Bank - Allan N. Jacobowitz	\$1,750.00
(42)	08/07/01	110	Discover Bank - Allan N. Jacobowitz	\$1,000.00
(43)	02/19/02	103	MBNA - William A. Sybers	\$2,500.00
(44)	02/27/02	102	MBNA - William A. Sybers	\$3,750.00
(45)	03/11/02	503	MBNA - John B. Hamilton	\$4,602.50
(46)	03/12/02	114	everbank - William A. Sybers	\$1,000.00
(47)	03/12/02	6186	Fleet Bank - William A. Sybers	\$3,500.00

(48)	04/10/02	511	MBNA - Charles E. Cowart	\$4,761.50
(49)	04/15/02	513	MBNA - Charles E. Cowart	\$3,675.00
(50)	04/19/02	514	MBNA - Charles E. Cowart	\$3,765.00
(51)	04/24/02	518	MBNA - Charles E. Cowart	\$1,200.00
(52)	04/29/02	510	MBNA - Paul Arguin	\$4,775.06
(53)	05/02/02	511	MBNA - Paul Arguin	\$4,870.00

IX. Deposits of Fraudulently Acquired Credit Card Convenience Checks into Defendant Jennifer A. Alpert's First Union National Bank Account, #1010037745725

On or about the dates listed below, conspirators caused fraudulently acquired credit card convenience checks to be deposited into a First Union National Bank checking account in the name of and belonging to defendant JENNIFER A. ALPERT account #1010037745725:

OVERT ACT	DATE POSTED	BANK - CHECK NAME	CHECK NUMBER	AMOUNT
(54)	06/21/00	MBNA - Mark Allen Levine	2895	\$4,500.00
(55)	08/14/00	American Express - Mark A. Levine	6109	\$4,800.00
(56)	09/11/00	American Express - Mark A. Levine	116	\$2,500.00
(57)	09/29/00	American Express - Mark A. Levine	127	\$3,000.00
(58)	10/13/00	American Express - Mark A. Levine	130	\$3,500.00
(59)	10/26/00	American Express - Mark A. Levine	102	\$3,500.00
(60)	10/30/00	MBNA - Barry M. Kottler	3948	\$5,500.00
(61)	11/07/00	American Express - Mark A. Levine	130	\$3,250.00
(62)	01/18/01	Citibank - Michael Andreas	1002	\$1,850.00
(63)	02/12/01	Bank of America - Michael D. Andreas	102	\$1,000.00
(64)	02/21/01	Bank of America - Michael D. Andreas	103	\$1,000.00
(65)	03/12/01	Bank of America - James F. Hurst	103	\$2,500.00
(66)	03/30/01	Fleet - Jimi F. Hurst	7551	\$1,500.00

(67)	04/06/01	MBNA - James F. Hurst, Jr.	105	\$4,750.00
(68)	04/09/01	MBNA - James F. Hurst, Jr.	106	\$3,500.00
(69)	04/25/01	Juniper Bank - James F. Hurst, Jr.	515	\$6,500.00
(70)	05/01/01	Juniper Bank - James F. Hurst, Jr.	517	\$6,500.00
(71)	05/01/01	MBNA - Jimi Hurst	506	\$1,800.00
(72)	05/01/01	MBNA - James F. Hurst, Jr.	506	\$1,800.00
(73)	05/01/01	Juniper Bank - James F. Hurst, Jr.	518	\$3,500.00
(74)	05/09/01	MBNA - James F. Hurst, Jr.	411	\$2,000.00 (\$1,000.00 less cash received)
(75)	06/20/01	Juniper Bank - Gene D. Adams	519	\$800.00
(76)	07/13/01	MBNA - Gene D. Adams	5936	\$1,200.00
(77)	07/17/01	American Express - Gene D. Adams	122	\$2,500.00
(78)	08/06/01	American Express - Gene D. Adams	130	\$1,500.00
(79)	08/07/01	American Express - James A. Malkus	102	\$3,500.00
(80)	08/14/01	Discover - Allan N. Jacobowitz	102	\$2,500.00
(81)	08/24/01	American Express - James A. Malkus	119	\$3,500.00
(82)	08/28/01	Juniper Bank - Allan N. Jacobowitz	536	\$4,500.00
(83)	09/07/01	MBNA - Mark Roseman	110	\$7,500.00
(84)	09/10/01	MBNA - Mark Roseman	103	\$7,500.00
(85)	09/13/01	Discover - Allan N. Jacobowitz	105	\$2,500.00
(86)	09/13/01	MBNA - Mark Roseman	105	\$2,500.00
(87)	09/26/01	Discover - Allan N. Jacobowitz	107	\$2,500.00
(88)	10/01/01	Discover - Mark Roseman	8248	\$3,150.00
(89)	10/05/01	Discover - Mark Roseman	8192	\$3,150.00
(90)	10/09/01	Citibank - Mark Roseman	1001	\$1,800.00
(91)	10/09/01	Discover - Mark Roseman	8252	\$5,600.00
(92)	10/10/01	Discover - Mark Roseman	8195	\$8,800.00
(93)	10/19/01	Discover - Mark Roseman	8193	\$3,500.00
(94)	10/19/01	American Express - Mark Roseman	6100	\$3,000.00

(95)	10/22/01	Bank of America - Mark Roseman	101	\$3,100.00
(96)	10/22/01	Discover - Mark Roseman	8253	\$4,800.00
(97)	11/15/01	MBNA - Mark Roseman	102	\$3,500.00
(98)	02/25/02	MBNA - William A. Sybers	101	\$3,750.00
(99)	02/27/02	MBNA - John B. Hamilton	501	\$4,750.00

X. Deposits of Fraudulently Acquired Credit Card Convenience Checks into Foodudes, Inc. Colonial Bank Account #8026286669

(100) On or about June 12, 2000, defendant CARL H. ALPERT opened a Colonial Bank checking account, #8026286669, in the name of Foodudes, Inc.

On or about the dates listed below, conspirators caused fraudulently acquired credit card convenience checks to be deposited into the referenced checking account:

OVERT ACT	DATE	BANK	CHECK NO.	ACCOUNT NAME	AMOUNT
(101)	06/19/00	MBNA	2896	Mark Levine	\$4,821.91
(102)	06/26/00	Household Credit	501	Dennis McMahan	\$2,100.00
(103)	07/05/00	MBNA	103	Dennis McMahan	\$2,500.00
(104)	07/10/00	American Express	6100	Mark Levine	\$3,000.00
(105)	07/20/00	MBNA	4962	Dennis McMahan	\$2,500.00
(106)	08/01/00	Discover	3716	Dennis McMahan	\$2,500.00
(107)	10/30/00	MBNA	1181	Barry Kottler	\$7,150.00
(108)	10/31/00	MBNA	3949	Barry Kottler	\$7,150.00
(109)	05/22/02	Household Credit	501	Paul Arguin	\$2,875.00
(110)	10/11/02	Household Credit	501	David Logan	\$8,865.73
(111)	10/16/02	Household Credit	500	Steven Lutzker	\$7,950.00
(112)	10/16/02	GMAC	1022	Steven W. Lutzker	\$7,000.00

XI. Point of Sale and Related Overt Acts

(113) On or about April 10, 2001, in Clearwater, Florida, conspirators caused charges to be lodged against the fraudulently established Capital One MasterCard credit card, account #5291075150636068, in the name of James F. Hurst, Jr.

(114) On or about April 14, 2001, in Madiera Beach, Florida, conspirators caused charges to be lodged against the fraudulently established Juniper Bank MasterCard credit card, account #5140210001203210, fraudulently established in the name of James F. Hurst, Jr.

(115) On or about June 14, 2001, defendant CARL H. ALPERT charged room reservations from the "W" Hotel, Honolulu, Hawaii, in the amount of \$3,989.10, to the fraudulently established Discover credit card account, #6011004540650880, in the name of Allan N. Jacobowitz.

(116) On or about July 1, 2001, defendant CARL H. ALPERT charged Presidential Suite room reservations at the Hard Rock Hotel, Universal Studios, Orlando, Florida, in the amount of \$1,525.82, to the fraudulently established Discover credit card account, #6011004540650880, in the name of Alan N. Jacobowitz.

(117) On or about October 10, 2001, defendant CARL H. ALPERT charged a Northwest Airline ticket in the amount of \$2,301, to the fraudulently established Zions Bank credit card account, #4269981009007179, in the name of Mark Roseman.

(118) On or about December 17, 2001, defendant CARL H. ALPERT charged room reservations to the "W" Hotel in Atlanta, Georgia, in the amount of

\$1,203.02, to the fraudulently established Discover credit card account, #6011004900238292, in the name of Mark Roseman.

(119) On or about December 18, 2001, defendant CARL H. ALPERT purchased 18 karat gold 2.07 karat diamond stud earrings, for \$8,500, using the fraudulently obtained Discover credit card, #6011004900238292, in the name of Mark Roseman.

(120) On or about December 23, 2001, in Tampa, Florida, conspirators caused charges to be lodged against the fraudulently established Discover Card credit card, account #6011004900238292, in the name of Mark Roseman.

(121) On or about December 23, 2001, in Tampa, Florida, conspirators caused charges to be lodged against the fraudulently established Target Visa credit card, account #4352373398695590, in the name of Robert P. Rachlin.

(122) On or about December 23, 2001, in Tampa, Florida, conspirators caused charges to be lodged against the fraudulently established American Express credit card, account 371543586091001, in the name of Mark Roseman.

(123) On or about December 23, 2001, in Tampa, Florida, conspirators caused charges to be lodged against the fraudulently established Zions Bank Visa credit card, account #4269981009029157, in the name of Robert P. Rachlin.

(124) On March 26, 2002, a conspirator caused an official U.S. Postal Service mail forwarding change of address form to be submitted to the post office, requesting that all mail directed to homicide victim Cathy Cowart's Longwood, Florida address, be forwarded to 444 Elmington Avenue, Apartment #301, Nashville, Tennessee.

(125) On May 20, 2002, conspirators established a Foodudes, Inc., AmSouth Bank account #21073791. The authorized signatories were defendants CARL ALPERT and JENNIFER ALPERT, along with Shannon Residence, and Charles Cowart, Jr. At the time, Charles Cowart was incarcerated for the murder of his wife, Cathy.

(126) On May 22, 2002, conspirators deposited a Nationwide Life Insurance Company check made payable to Charles E. Cowart, Jr. in the amount of \$7,770.45 into defendants CARL H. ALPERT and JENNIFER A. ALPERT'S AmSouth Bank account. That check represents the proceeds of an unauthorized loan against the Nationwide life insurance policy belonging to Charles E. Cowart.

(127) On or about September 30, 2002, defendant CARL H. ALPERT conducted an ATM cash advance transaction in the amount of \$582 against the fraudulently established Chase Bank Visa account, #4081610130006661, in the name of Steven W. Lutzker.

(128) On December 7, 2002, defendant CARL H. ALPERT purchased a Phillips brand DVD player, valued at \$169.99, at the Target store, Lake Mary, Florida, using the fraudulently established National City Visa account #4311966128003397.

(129) On December 12, 2002, defendant CARL H. ALPERT purchased an X-Box game system, valued at \$219.07, at the Target store, Lake Mary, Florida, using the fraudulently established First USA Bank Visa account #4417123019756872, in the name of Brian K. Rowland.

(130) On or about January 10, 2003, defendant CARL H. ALPERT charged room reservations at the Hard Rock Hotel, Universal Studios, Orlando, Florida,

in the amount of \$515.51, to the fraudulently established American Express credit card account #371545653441001, in the name of Alan W. Filsinger.

XII. Lease of Apartments Used as Billing Addresses on Fraudulently Established Accounts

(131) On or about May 8, 2000, defendant MICHAEL A. BUKY leased the apartment located at 1110 Windridge Circle, Sanford, Florida, which address was used as the billing address on at least seventeen (17) accounts that were fraudulently established.

(132) On or about October 2, 2000, conspirators leased the apartment located at 2816 Sun Lake Loop, #210, Lake Mary, Florida, which address was used as the billing address on at least nineteen (19) accounts that were fraudulently established.

(133) On or about April 29, 2001, defendants CARL H. ALPERT and MICHAEL A. BUKY leased the apartment located at 1321 Arbor Vista Loop, #7-205, Lake Mary, Florida, which address was used as the billing address on at least twenty (20) accounts that were fraudulently established.

(134) On or about February 25, 2002, defendant CARL H. ALPERT leased the apartment located at 444 Elmington Avenue, #301, Nashville, Tennessee, which address was used as the billing address on at least five (5) accounts that were fraudulently established.

(135) On or about May 21, 2002, defendant CARL H. ALPERT leased the apartment located at 444 Elmington Avenue, #602, Nashville, Tennessee, which address was used as the billing address on at least eleven (11) accounts that were fraudulently established.

(136) On or about April 10, 2002, defendant LESLIE B. BARNES leased the apartment located at 8 S. Osceola Avenue, #2204, Orlando, Florida, which address was used as the billing address on at least eleven (11) accounts that were fraudulently established.

(137) On or about July 26, 2002, defendant MICHAEL A. BUKY leased the apartment located at 473 Sun Lake Circle, #205, Lake Mary, Florida, which address was used as the billing address on at least eleven (11) accounts that were fraudulently established.

In violation of Title 18, United States Code, Sections 371 and 2.

COUNTS TWO THROUGH SEVENTEEN
(Identity Theft)

On or about the dates listed below, within the Middle District of Florida, and elsewhere,

CARL H. ALPERT
and
LESLIE B. BARNES,

the defendants, did knowingly transfer and use, in or affecting interstate or foreign commerce, and without lawful authority, a means of identification of another person with the intent to commit and aid and abet unlawful activity that constitutes a violation of federal law, that is, credit card fraud, bank fraud, and mail fraud, and by such conduct obtained a thing of value aggregating \$1,000 or more during a one year period, as stated below:

A. CASH ADVANCE TRANSACTIONS USING FRAUDULENTLY ESTABLISHED CREDIT CARD ACCOUNTS

COUNT	DATE	CREDIT CARD ISSUING BANK	MEANS OF ACCOUNT NUMBER	IDENTIFICATION ACCOUNT NAME	FRAUDULENT CASH ADVANCE TRANSACTION AMOUNT
2	08/05/99	CitiBank	4271382080323526	Steven Eric Nunn	\$1,200.00
3	08/30/99	Fleet Bank	5440590148013151	Craig R. Nunn	\$2,000.00
4	11/13/99	Bank of America	4319040000697627	Craig R. Nunn	\$1,250.00
5	11/30/99	Fleet Bank	5440590148013151	Craig R. Nunn	\$3,600.00
6	12/01/99	Discover Bank	6011004850596384	Craig R. Nunn	\$3,100.00
7	12/14/99	Discover Bank	6011004850596384	Craig R. Nunn	\$1,900.00
8	01/10/00	Fleet Bank	5440590148013151	Craig R. Nunn	\$3,700.00
9	05/06/00	Discover Bank	6011001160064566	Dana Kottler	\$1,200.00
10	05/17/00	Bank of America	4427100006617109	Robert Krass	\$2,500.00
11	05/17/00	Discover Bank	6011001160064566	Dana Kottler	\$1,000.00
12	06/06/00	SouthTrust Bank	5300813007019906	Terrance S. Wilson	\$3,000.00

B. CREDIT CARD CONVENIENCE CHECK DEPOSIT TRANSACTIONS USING FRAUDULENTLY ESTABLISHED CREDIT CARD ACCOUNTS

COUNT	DATE	CREDIT CARD ISSUING BANK	MEANS OF ACCOUNT NUMBER	IDENTIFICATION ACCOUNT NAME	AMOUNT OF CREDIT CARD CONVENIENCE CHECK DRAWN ON FRAUDULENTLY ESTABLISHED CREDIT CARD ACCOUNT, DEPOSITED INTO:
13	07/01/99	MBNA America (\$12,000)	94363215021	Craig R. Nunn, MD	\$34,000, deposited into SouthTrust checking account number 40253229
		Chase Manhattan Bank (\$12,000)	1102510394550	Craig R. Nunn	
		CitiBank (\$4,000)	2500063732	Craig R. Nunn	
		Travelers Bank USA (\$6,000)	825001305580	Craig R. Nunn	

14	07/29/99	American Express Centurion Bank (\$1,500)	4530233421	Craig R. Nunn	\$1,500, deposited into SouthTrust checking account number 40253229
15	08/24/99	CitiBank (\$800) American Express Centurion Bank (\$700)	2500063732 4530233421	Craig R. Nunn Craig R. Nunn	\$1,500, deposited into SouthTrust checking account number 93403172
16	05/11/99	Bank of America Mastercard (\$5,000)	5491050001623008	Robert J. Hart	\$5,000 deposited into Dennis E. McMahan SouthTrust account number 37719720

In violation of Title 18, United States Code, Section 1028(a)(7) and 2.

COUNT SEVENTEEN
(Identity Theft)

On or about May 23, 2000, within the Middle District of Florida, and elsewhere,

**CARL H. ALPERT,
LESLIE B. BARNES,
and
MICHAEL A. BUKY,**

the defendants, did knowingly transfer and use, in or affecting interstate or foreign commerce, and without lawful authority, a means of identification of another person with the intent to commit and aid and abet unlawful activity that constitutes a violation of federal law, that is, credit card fraud, bank fraud, and mail fraud, and by such conduct obtained a thing of value aggregating \$1,000 or more during a one year period; specifically, defendants negotiated a check in the amount of \$1,000 drawn against fraudulently established SouthTrust Bank checking account #37719720, in the name of Dennis McMahan.

In violation of Title 18, United States Code, Sections 1028(a)(7) and 2.

COUNT EIGHTEEN
(Unlawful Monetary Transactions—18 U.S.C. section 1957)

On or about July 2, 1999, within the Middle District of Florida, and elsewhere,

CARL H. ALPERT
and
LESLIE B. BARNES,

the defendants, did knowingly engage in and attempt to engage in a monetary transaction, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, which was derived from specified unlawful activity, that is, credit card fraud, bank fraud, and mail fraud; specifically, the withdrawal of \$15,000 of funds drawn on SouthTrust checking account number 40253229, fraudulently established in the name of Craig R. Nunn.

All in violation of Title 18, United States Code, Sections 1957 and 2.

COUNT NINETEEN
(Unlawful Monetary Transactions—18 U.S.C. section 1957)

On or about July 9, 1999, within the Middle District of Florida,

CARL H. ALPERT,
LESLIE B. BARNES,
and
LAWRENCE S. SMITH, a/k/a
Edward J. Oates,

the defendants, did knowingly engage in and attempt to engage in a monetary transaction affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, which was derived from specified unlawful activity, that is, credit card fraud, bank fraud, and mail fraud; specifically, a \$12,000 wire transfer from NationsBank checking account #003068925470 in the name of Edward J. Oates into SouthTrust checking account #40253240 in the name of Craig Nunn.

All in violation of Title 18, United States Code, Sections 1957 and 2.

COUNT TWENTY
(Laundering of Monetary Instruments)

On or about July 16, 1999, within the Middle District of Florida, and elsewhere,

**CARL H. ALPERT,
LESLIE B. BARNES,
and
LAWRENCE S. SMITH, a/k/a
Edward J. Oates,**

defendants herein, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce; specifically, the purchase of SouthTrust Official Check #632691090 in the amount of \$47,963.29, payable to "Walter R. Moon Trust Account," which involved the proceeds of specified unlawful activity, that is, credit card fraud, bank fraud, and mail fraud, knowing that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, and ownership of the proceeds of said unlawful activity, and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT TWENTY-ONE
(Unlawful Monetary Transactions)

On or about March 20, 2000, within the Middle District of Florida, and elsewhere,

CARL H. ALPERT,

the defendant, did knowingly engage in and attempt to engage in a monetary transaction affecting interstate and foreign commerce in criminally derived property of a value greater than \$10,000, which was derived from specified unlawful activity, that is, credit card fraud, bank fraud, and mail fraud; specifically, the split deposit of a check, #150, in the amount of \$10,200 drawn on the fraudulently-established Wingspan Bank account (#100000748820) in the name of Barry M. Kottler, into three separate SouthTrust checking accounts in the name of defendant Carl H. Alpert [#10609032 (\$7,200), #56101039 (\$1,500) and #10510891 (\$1,500)].

In violation of Title 18, United States Code, Section 1957 and 2.

COUNT TWENTY-TWO
(Laundering of Monetary Instruments)

On or about June 6, 2000, within the Middle District of Florida, and elsewhere,

**CARL H. ALPERT,
LESLIE B. BARNES,
and
LAWRENCE S. SMITH, a/k/a
Edward J. Oates,**

the defendants, did knowingly conduct and attempt to conduct a financial transaction affecting interstate commerce; specifically, the deposit of a \$4,950.00 check drawn on defendant LAWRENCE S. SMITH'S SouthTrust checking account #10607242, into defendant CARL H. ALPERT'S personal SouthTrust checking account #10609032, which involved the proceeds of specified unlawful activity, that is, credit card fraud, bank fraud, and mail fraud, knowing that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, and ownership of the proceeds of said unlawful activity, and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity.

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNTS TWENTY-THREE THROUGH THIRTY
(Bank Fraud)

A. Introduction

1. The Grand Jury incorporates herein the allegations in Section A of Count One.

B. THE SCHEME

2. From on or about April 1999, through and including the date of this Indictment, within the Middle District of Florida, and elsewhere,

**CARL H. ALPERT
and
LESLIE B. BARNES,**

the defendants, did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud and to obtain money, funds, credits and other property owned by and under the custody and control of the below-described federally insured financial institutions, by means of false and fraudulent pretenses, representations, and promises.

C. MANNER AND MEANS

____3. The Grand Jury incorporates herein the allegations in Section C of Count One.

D. EXECUTION OF THE SCHEME

On or about the dates set forth below, for the purpose of executing the scheme and artifice the defendants engaged in the described fraudulent cash advance transactions:

COUNT	DATE	CREDIT CARD ISSUING BANK	ACCOUNT NUMBER	ACCOUNT NAME	FRAUDULENT CASH ADVANCE TRANSACTION AMOUNT
23	08/10/99	Fleet Bank	5440590148013151	Craig R. Nunn	\$1,500.00
24	08/30/99	CitiBank	4271382080323526	Craig R. Nunn	\$3,500.00
25	11/13/99	Bank of America	4319040000697627	Craig R. Nunn	\$7,750.00
26	12/01/99	First USA Bank	4417128054002348	Craig R. Nunn	\$2,000.00
27	12/07/99	Discover Bank	6011004850596384	Craig R. Nunn	\$3,000.00
28	01/13/00	Traveler's Bank	4432825001927375	Craig R. Nunn	\$11,200.00
29	05/17/00	SouthTrust Bank	4606312007091449	Dennis E. McMahan	\$2,500.00
30	06/06/00	MBNA America	5329031546210731	Mark Allen Levine, MD	\$3,000.00

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT THIRTY-ONE
(False Statements to Federally Insured Bank)

On or about May 8, 2000, within the Middle District of Florida, and elsewhere,

CARL H. ALPERT
and
LESLIE B. BARNES,

the defendants, did knowingly and willfully make and cause to be made, false statements to SouthTrust Bank, an FDIC-insured financial institution, with intent to influence the action of that institution upon an application, advance, commitment, and loan, and any change or extension thereof; specifically, as part of an application for a Visa credit card account, defendants applied for a credit card in the name of, and using the identifying information of, Dennis E. McMahan.

In violation of Title 18, United States Code, Sections 1014 and 2.

COUNTS THIRTY-TWO THROUGH FORTY-FOUR
(Mail Fraud)

A. Introduction

1. The Grand Jury incorporates herein the allegations in Section A of Count One.

B. THE SCHEME

2. From on or about April 1999, through and including the date of this Indictment, within the Middle District of Florida, and elsewhere,

**CARL H. ALPERT,
JENNIFER A. ALPERT,
CHRISTOPHER L. ALPERT,
and
LAWRENCE S. SMITH, a/k/a
Edward J. Oates,**

the defendants, did knowingly devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, affecting a financial institution, and to use the mails and interstate carriers in furtherance of this scheme and artifice.

C. MANNER AND MEANS

_____3. The Grand Jury incorporates herein the allegations in Section C of Count One.

D. EXECUTION OF THE SCHEME

On or about the dates below, within the Middle District of Florida, and elsewhere, for the purpose of executing and attempting to execute the scheme and artifice, the listed defendants did knowingly place and cause to be placed in an authorized

depository for mail matter, and deposited with private and commercial interstate carriers, the described mailings, for delivery by the U.S. Postal Service and private carriers according to the directions thereon:

COUNT	DEFENDANT	DATE OF MAILING	SENDER	ADDRESSEE	NATURE OF MAILING
32	CARL H. ALPERT and JENNIFER A. ALPERT	02/09/02	MBNA America Wilmington, DE	James F. Hurst 2600 Bald Eagle Run Lake Mary, FL	2001 Year-End Summary of Charges for MBNA issued SunTrust Visa account #4264298205026217
33	CARL H. ALPERT and JENNIFER A. ALPERT	02/11/02	The GMCard Salinas, CA	James F. Hurst, Jr. 260 Bald Eagle Run Lake Mary, FL	Account Billing Statement, dated 02/01/02, for The GMCard Master Card account #5466410002494703
34	CARL H. ALPERT and JENNIFER A. ALPERT	02/20/02	Juniper Bank Wilmington, DE	James F. Hurst 260 Bald Eagle Run Lake Mary, FL	02/15/02 Banking Statement for Juniper Bank account #400000086501
35	CARL H. ALPERT and LAWRENCE S. SMITH	05/24/02	American Express	Paul Arguin 8 S. Osceola Avenue Apt. 2204 Orlando, FL	Credit Card mailer and activation notice for AMEX Blue credit card, including four (4) convenience checks #7878-7881, for account #61377994729; AMEX Blue Credit Card has been detached from mailer
36	CARL H. ALPERT and LAWRENCE S. SMITH	08/02/02	Chase Manhattan Wilmington, DE	Robert R. Hibbs 8 S. Osceola Avenue Apt. 2204 Orlando, FL	Correspondence explaining account benefits, including Credit Card Convenience Check #4769 - Check #4768 missing
37	CARL H. ALPERT and JENNIFER A. ALPERT	10/17/02	National City Omaha, NE	David S. Logan 473 Sun Lake Cir. #205 Lake Mary, FL	Notification of Personal Identification Number (0800) for Visa account ending in 2753
38	CARL H. ALPERT and LAWRENCE S. SMITH	10/19/02	American Express Ft. Lauderdale, FL	Paul Arguin 8 S. Osceola Avenue Orlando, FL	Account Billing Statement- Notice of Unpaid Item, dated 10/29/02, for account #372377994611004
39	CARL H. ALPERT and JENNIFER A. ALPERT	10/25/02	U.S. Bank Fargo, ND	Pedro L. Lugones 473 Sun Lake Cir. #205 Lake Mary, FL	Credit card payment stub, dated 10/25/02, for Visa account #4190040332992427

40	CARL H. ALPERT and CHRISTOPHER L. ALPERT	10/31/02	Christopher Alpert, Nashville Tennessee	Carl Alpert 260 Bald Eagle Run Lake Mary, Florida	Federal Express Airbill package containing statements and other documents relating to fraudulent accounts
41	CARL H. ALPERT and LAWRENCE S. SMITH	11/08/02	Bank of America Tampa, FL	Robert R. Hibbs 8 S. Osceola Avenue Apt. 2204 Orlando, FL	Account Billing Statement, dated 11/08/02, for Bank of America Visa account #4427103004500130
42	CARL H. ALPERT and JENNIFER A. ALPERT	11/11/02	National City Kalamazo, MI	Pedro L. Lugones, Jr. 473 Sun Lake Cir. #205 Lake Mary, FL	Account Billing Statement, dated 11/11/02, for Visa account #4311966298007830
43	CARL H. ALPERT and JENNIFER A. ALPERT	11/21/02	GMAC Bank Cranberry Twp, PA	Steven W. Lutzker 473 Sun Lake Cir. #205 Lake Mary, FL	Loan Account Statement, dated 11/20/02, for GMAC Bank Account #5010040185
44	CARL H. ALPERT and JENNIFER A. ALPERT	11/29/02	National City	Myer S. Nevitt 260 Bold Eagle Run Lake Mary, FL	Credit Card Activation notice for Visa account #4311966128003397

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT FORTY-FIVE
(Possession of Unauthorized Access Devices)

On or about December 3, 2002, within the Middle District of Florida, and elsewhere,

CARL H. ALPERT
and
JENNIFER A. ALPERT,

the defendants, did knowingly and with intent to defraud possess fifteen or more unauthorized access devices, including credit cards, receipts, letters, statements, notices, and convenience checks, bearing the credit card account numbers of accounts fraudulently established in the names of other individuals, affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(3) and 2.

COUNT FORTY-SIX
(Possession of Unauthorized Access Devices)

On or about December 3, 2002, within the Middle District of Florida, and elsewhere,

CARL H. ALPERT
and
LAWRENCE S. SMITH,

the defendant, did knowingly and with intent to defraud possess fifteen or more unauthorized access devices, including credit cards, statements, convenience checks, and letters bearing the credit card account numbers of accounts fraudulently established in the names of other individuals, affecting interstate commerce.

In violation of Title 18, United States Code, Sections 1029(a)(3) and 2.

FORFEITURES

1. The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Sections 982(a)(2)(A) and (a)(2)(B).

2. The defendants, **CARL H. ALPERT, JENNIFER A. ALPERT, CHRISTOPHER L. ALPERT, LESLIE B. BARNES, LAWRENCE S. SMITH, a/k/a Edward J. Oates, MICHAEL A. BUKY, and JASON W. RESIDENCE**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 982(a)(2)(A) and (a)(2)(B), any and all right, title, and interest they may have in any property constituting, or derived from, proceeds the person obtained directly or

indirectly, as a result of such violations of Title 18, United States Code, Sections 1028(a)(7), 1029(a)(3), (a)(2), 1341, and 1344.

3. The allegations contained in Counts Two through Sixteen, of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Sections 982(a)(2)(B) and 1028(b)(5).

4. The defendants, **CARL H. ALPERT and LESLIE B. BARNES**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any and all right, title, and interest they may have in any property constituting, or derived from, proceeds the person obtained directly or indirectly, as a result of such violations of Title 18, United States Code, Section 1028(a)(7), and pursuant to Title 18, United States Code, Section 1028(b)(5), any personal property used or intended to be used to commit the offense.

5. The allegations contained in Count Seventeen, of this Indictment is hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(B) and Title 18, United States Code, Section 1028(b)(5).

6. The defendants, **CARL H. ALPERT, LESLIE B. BARNES, and MICHAEL A. BUKY**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any and all right, title, and interest they may have in any property constituting, or derived from, proceeds the person obtained directly or indirectly, as a result of such violations of Title 18, United States Code, Section

1028(a)(7), and pursuant to Title 18, United States Code, Section 1028(b)(5), any personal property used or intended to be used to commit the offense.

7. The allegations contained in Count Eighteen, of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Sections 981(a)(1)(C), Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 982(a)(1).

8. From their engagement in the violation alleged in Count Eighteen, of this Indictment, punishable by imprisonment for more than one year, the defendants **CARL H. ALPERT and LESLIE B. BARNES** shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of their interest in any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violation of Title 18, United States Code, Section 1957, and pursuant to Title 18, United States Code, Section 982(a)(1), any and all right, title, and interest they may have in any property, real or personal, involved in such offense, or any property traceable to such property, as a result of such violation of Title 18, United States Code, Section 1957.

9. The allegations contained in Count Nineteen, of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982(a)(1).

10. From their engagement in the violation alleged in Count Nineteen, of this Indictment, punishable by imprisonment for more than one year, the defendants **CARL H. ALPERT, LESLIE B. BARNES, and LAWRENCE S. SMITH, a/k/a Edward J. Oates**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of their interest in any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violation of Title 18, United States Code, Section 1957 and pursuant to Title 18, United States Code, Section 982(a)(1), any and all right, title, and interest they may have in any property, real or personal, involved in such offense, or any property traceable to such property, as a result of such violation of Title 18, United States Code, Section 1957.

11. The allegations contained in Count Twenty, of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982(a)(1).

12. From their engagement in the violation alleged in Count Twenty, of this Indictment, punishable by imprisonment for more than one year, the defendants **CARL H. ALPERT, LESLIE B. BARNES, and LAWRENCE S. SMITH, a/k/a Edward J. Oates**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of their interest in any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violation of Title 18, United States Code, Section 1957, and pursuant to Title 18, United States Code, Section 982(a)(1),

any and all right, title, and interest they may have in any property, real or personal, involved in such offense, or any property traceable to such property, as a result of such violation of Title 18, United States Code, Section 1957.

13. The allegations contained in Count Twenty-One, of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982(a)(1).

14. From his engagement in the violation alleged in Count Twenty-One, of this Indictment, punishable by imprisonment for more than one year, the defendant **CARL H. ALPERT** shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of his interest in any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and pursuant to Title 18, United States Code, Section 982(a)(1), any and all right, title, and interest he may have in any property, real or personal, involved in such offense, or any property traceable to such property, as a result of such violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

15. The allegations contained in Count Twenty-Two, of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982(a)(1).

14. From their engagement in the violation alleged in Count Twenty-Two, of this Indictment, punishable by imprisonment for more than one year, the defendants **CARL H. ALPERT, LESLIE B. BARNES, and LAWRENCE S. SMITH, a/k/a Edward J. Oates**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of their interest in any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and pursuant to Title 18, United States Code, Section 982(a)(1), any and all right, title, and interest they may have in any property, real or personal, involved in such offense, or any property traceable to such property, as a result of such violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

15. The allegations contained in Counts Twenty-Three through Thirty, of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(A).

16. The defendants, **CARL H. ALPERT and LESLIE B. BARNES**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all right, title, and interest they may have in any property constituting, or derived from, proceeds the person obtained directly or indirectly, as a result of such violation of Title 18, United States Code, Section 1344.

17. The allegation contained in Count Thirty-One, of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(A).

18. The defendants, **CARL H. ALPERT and LESLIE B. BARNES**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all right, title, and interest they may have in any property constituting, or derived from, proceeds the person obtained directly or indirectly, as a result of such violation of Title 18, United States Code, Section 1014.

19. The allegations contained in Count Thirty-Two through Forty-Four, of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(A).

20. The defendants, **CARL H. ALPERT, JENNIFER A. ALPERT, CHRISTOPHER L. ALPERT, and LAWRENCE S. SMITH, a/k/a Edward J. Oates**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all right, title, and interest they may have in any property constituting, or derived from, proceeds the person obtained directly or indirectly, as a result of such violation of Title 18, United States Code, Section 1341.

21. The allegations contained in Count Forty-Five, of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(B) and Title 18, United States Code, Section 1029(c)(1)(C).

22. The defendants, **CARL H. ALPERT and JENNIFER A. ALPERT**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any and all right, title, and interest they may have in any property constituting, or derived from, proceeds the person obtained directly or indirectly, as a result of such violations of Title 18, United States Code, Section 1029(a)(3), and pursuant to Title 18, United States Code, Section 1029(c)(1)(C), any and all right, title, and interest they may have in any personal property used or intended to be used to commit the offense.

23. The allegations contained in Count Forty-Six, of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(2)(B) and Title 18, United States Code, Section 1029(c)(1)(C).

24. The defendants, **CARL H. ALPERT and LAWRENCE S. SMITH**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any and all right, title, and interest they may have in any property constituting, or derived from, proceeds the person obtained directly or indirectly, as a result of such violations of Title 18, United States Code, Section 1029(a)(3), and pursuant to Title 18, United States Code, Section 1029(c)(1)(C), any and all right, title, and interest they may have in any personal property used or intended to be used to commit the offense.

25. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), Title 18, United States Code, Sections 1028(b)(5) and 1029(c)(1)(2), and Title 28, United States Code, Section 2461(c).

A TRUE BILL,

Foreperson

PAUL I. PEREZ
United States Attorney

By: _____
ROBERT T. MONK
Assistant United States Attorney

By: _____
KENDELL W. WHERRY
Assistant United States Attorney

By: _____
ROBERT A. MOSAKOWSKI
Assistant United States Attorney
Chief, Tampa Division